

OMB Liaison

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CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

OLC 76-0151

16 JAN 1976

Honorable Edward M. Kennedy, Chairman
Subcommittee on Health
Committee on Labor and Public Welfare
United States Senate
Washington, D. C. 20510

Dear Mr. Chairman:

In accordance with your request, herein are our comments on S. 2515 to establish a "President's Commission for the Protection of Human Subjects Involved in Biomedical and Behavioral Research."

As stated by Mr. Duckett during the hearing on 7 November 1975 on the bill, since the Agency's current and foreseeable activities in biomedical and behavioral research are extremely limited, we defer to the views of the Department of Health, Education, and Welfare and other departments and agencies more directly involved. We offer, however, the following comments which do concern CIA.

The Central Intelligence Agency has very little current research in the area of human experimentation and none which can be considered as affecting the health of the subjects involved. With such limited activities, we believe the Director lacks particular expertise of program responsibilities which would substantially contribute to the establishment of guidelines for policing human-use experimentation in the United States and justify his being a member of the Commission. Further, it is felt the public interest is best served by conserving the Director's time to carrying out his principal statutory duties in the foreign intelligence field.

As proposed, the bill could be interpreted to include all research and testing to determine psychological attitudes, physiological reactions and predictable human behavior which in no way affects the health or presents a hazard to the subjects involved. The Commission should be concerned only with human research which has health risk factors.



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The Commission would be granted broad access to classified information within executive departments and agencies with no specific limitations. We assume that if the Commission is established, classified information provided to the Commission would be limited only to those matters which concern the direct charter of the Commission, i.e., only that classified information which involves experimentation on human subjects.

Although S. 2515 does not address itself to the disposition of classified information, current national security policies prohibit disclosure of classified information without the approval of the originating agency or department. This is a basic security tenet which must be recognized in view of the broad access to classified information granted to the Commission.

The Office of Management and Budget has advised that it has no objection to our submission of comments on the bill.

Sincerely,




Acting Legislative Counsel

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